



**OFFICE OF THE STAFF JUDGE ADVOCATE**  
**101ST AIRBORNE DIVISION (AIR ASSAULT) AND FORT CAMPBELL**  
**CLIENT SERVICES**  
**(270) 798-4432/0918**



## **PATERNITY ACTIONS**

**Paternity** is the legal word for fatherhood. Army Regulation 608-99 provides guidance on claims and establishments of paternity in regard to Soldiers. If you find out you are the father of a child, it is in the best interest of all parties to get a court order as soon as possible to establish support.

If a **court order** identifies a Soldier as the natural father of a child born outside of marriage and directs financial support, the Soldier is required to provide support pursuant to AR 608-99 until the child reaches the age of eighteen or graduates from high school, whichever is later.

Upon receiving a **claim of paternity**, a Soldier's commander is required to counsel the Soldier regarding the claim. If there is evidence that a criminal offense has been committed against the person making the claim (such as rape), the Commander will inform Criminal Investigations Division. If there is no evidence that a criminal offense was committed, the commander will: (1) refer the Soldier to a Legal Assistance Attorney regarding his rights; (2) request the Soldier to sign a DA Form 5459-R (authorization to release Army records on paternity complaints); (3) inform the Soldier of Army policy regarding support of family members; (4) advise the Soldier that a refusal to support the child in accordance with any court order could result in punishment and garnishment of pay; and (5) ask the Soldier whether he admits or denies the claim.

If a Soldier **denies** he is the father of the child, or, if the Soldier admits paternity but refuses to provide support, the commander can take no further action without a court order. The court order must identify the Soldier as father of the child and direct that the Soldier provide support for the child.

A court action to determine paternity will usually require a blood test. The mother, child, and alleged father will be tested to determine if the alleged father's blood grouping matches that of the child. These tests typically cannot be taken until the child is at least six months. Blood tests are normally charged to the father if they establish paternity.

Upon a **finding of paternity** and a subsequent court order, the father will be liable for child support. Some states require back-payments of child support from the date of the child's birth. AR 608-99 mandates that Soldiers pay any child support required by a court order. This court order is also required to enter the child into DEERS.

**Allegations of paternity** should be referred to the Soldier's immediate commander. Additionally, Legal Assistance attorneys are available for consultation.

## **FREQUENTLY ASKED QUESTIONS**

**What should I do if I'm served with papers claiming I fathered a child?** The most important step you must take is to provide a written answer to the allegations within the time required by the court. Failure to answer the charges could result in the court ruling that you are the father.

**Can I get a paternity order overturned?** It is possible, though it requires filing motions in court. The process is a difficult one and you will probably have to hire a civilian attorney to handle it.

**What about visitation rights?** If you consent to paternity, or are found to be the father by a court, you can request visitation, as well as custody of the child. You will need to consult a civilian attorney.

**Where can I get a blood test?** If the court order does not tell you where to go, you should contact the court and ask if they have a preference. If the court does not, go to a private company that performs such tests. Blanchfield Army Community Hospital does not provide paternity testing nor draw blood for testing by the courts or outside agencies. Gene Proof, in Nashville, (615) 889-0444 provides this service, as well as DNA Diagnostics Center at 1-800-362-2368. DNA tests done privately and not at the order of a court cost approximately \$545.00 to test all three parties.

**Will the Army give me money to support my child?** Yes. If not already receiving it, a Soldier can get the difference between BAQ-WITH and BAQ-WITHOUT for support of a child born out of wedlock.